

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATHAN CARL BROKENROPE, SR.,)	
)	
Plaintiff,)	4:05cv3204
)	
vs.)	MEMORANDUM AND ORDER
)	
WENDY BREHM, et al,)	
)	
Defendants.)	

In filing no. 23, I noted that the plaintiff, Nathan Carl Brokenrope, Sr., had not responded to the defendants' motion to dismiss the complaint. The defendants sought dismissal on the basis of sovereign immunity, as the plaintiff served them in their official capacity only and sought monetary relief. As employees of the State of Nebraska, the defendants, in their official capacity, are shielded from claims for damages by the sovereign immunity recognized and preserved by the Eleventh Amendment to the U.S. Constitution. See, e.g., Edelman v. Jordan, 415 U.S. 651, 663 (1974) ("a suit by private parties seeking to impose a liability which must be paid from public funds in the state treasury is barred by the Eleventh Amendment."). I gave the plaintiff until October 27, 2006, to respond to the defendants' Motion, in the absence of which this action would be subject, without further notice, to dismissal, without prejudice, as abandoned and for lack of prosecution. The plaintiff has not responded. Therefore, the plaintiff's complaint and this action are dismissed without prejudice. Judgment will be entered accordingly.

SO ORDERED.

October 30, 2006

BY THE COURT:

s/ Richard G. Kopf
United States District Judge